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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,002	03/11/2004	Ivan Rovelli	250103US6	3875
22850	7590	05/06/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BOMBERG, KENNETH	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/797,002

Applicant(s)

ROVELLI ET AL.

Examiner

Kenneth Bomberg

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 3 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsey WO 02/08080).

In Figs. 1-2, Ramsey teaches of:

An automatically closing valve (3) formed as a single piece of electrometric material and comprising a tubular skirt (33), one end of which is profiled to present an edge (31) engagable in a ring cap to be mounted at a discharge hole provided in each container, the other end of the tubular skirt being closed by a dome or transverse wall (32) in which cuts (61) are provided to define flexible appendices (62) therein, the edges of which are in mutual sealed contact in the closed valve, wherein when the valve is in its rest state (Fig. 1), said dome is defined by curved surfaces re-entrant into the interior of the cavity in the tubular skirt which, at least in proximity to said dome, has an annular portion thereof (radially outward of rim 34) of such a shape and thickness as to enable it to dilate and to flex elastically outwards when the dome passes from its form re-entrant into the skirt (Fig. 2A), to firstly a flat form (Fig. 2B) and then to a form in which said appendices are flexed outwards (Fig. 2c), withdrawing from each other, under the thrust

Art Unit: 3754

of the compressed fluid emerging from the container, said annular portion of the tubular skirt acting with elastic force on said dome to urge it towards its rest position curved in the interior of the tubular skirt and with said flexible appendices sealedly pressed against each other.

In Reference to Claim 5

Note in Fig. 1, the tubular skirt (33) has varying thicknesses between (31) and (34).

In Reference to Claim 6

Note the annular portion (radially outward of rim 34) has a thickness (at horizontal portion of tubular skirt 33) that is smaller than a thickness of a middle portion ("V" shaped portion at base of 33) of the tubular skirt (31) and (34).

In Reference to Claim 7

Note the annular portion (radially outward of rim 34) is recessed from the remainder of the remainder of the annular portion of tubular skirt (33).

3. Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fioravanti et al. (US 6,273,305).

In Figs. 1-2, Fioravanti et al. teaches of:

In Reference to Claim 8

A closing valve comprising (10);  
a tubular skirt (24) having a first end (20) adapted to mount to a discharge hole of a container, the tubular skirt having a second end (60) attached to a wall (22) with cuts

Art Unit: 3754

(52A, 52B) therein defining flexible appendices (53), the flexible appendices having edges that are configured to be in mutual sealed contact when the valve is in a closed orientation so that the wall closes the second end of the tubular skirt,

wherein the tubular skirt has a first portion (60) attached to the wall, the first portion having a thickness that is smaller than a thickness of a middle portion (55) of the tubular skirt,

wherein the first portion of the skirt (60) is configured to provide elastic force on the wall to urge the valve towards the closed orientation, and

wherein the valve is a single piece of electrometric material (column 3, lines 38-40).

#### In Reference to Claim 9

A closing valve (10) comprising:

a tubular skirt (24) having a first end (20) adapted to mount to a discharge hole of a container, the tubular skirt having a second end (60) attached to a wall (22) with cuts (52A, 52B) therein defining flexible appendices (53), the flexible appendices having edges that are configured to be in mutual sealed contact when the valve is in a closed orientation so that the wall closes the second end of the tubular skirt,

wherein the tubular skirt (24) has an outer surface, the tubular skirt having a recessed portion (at 60 adjacent 59) where the outer surface thereof is recessed, the recessed portion being at the second end (60) adjacent to the wall (22),

wherein the recessed portion is configured to provide elastic force on the wall to urge the valve towards the closed orientation, and

wherein the valve is a single piece of electrometric material (column 3, lines38-40).

#### *Response to Arguments*

4. Applicant's arguments filed 3 February 2003 have been fully considered but they are not persuasive.

Applicant argues that Ramsey et al. fails to show an annular portion of such shape and thickness as to enable it to dilate and to flex elastically outwards and directs attention to the energizing ring (5) preventing such movement. Initially, it is noted that applicants' invention is directed only to the "automatically closing valve" and not the surrounding ring cap and other retaining structures. Thus the presents of Ramsey's energizing ring (5) is not directly relevant to how the closing valve may operate outside of the particular valve retaining environment.

More importantly, further attention is directed to page 10 of Ramsey et al. which explicitly states "As the internal pressure in the container increases, the valve head 32 rises axially and expands radially, until it makes contact with the energizing ring 5, which supports the valve head 32 and restricts any for the radial expansion." This expansion (dilatation) is also shown in Figs. 2B-2C. Thus applicants' arguments are inconsistent with the explicit teachings of Ramsey et al. and are consequently not persuasive.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Bomberg whose telephone number is 571-272-4922. The examiner can normally be reached on Monday, Tuesday, Thursday and alternative Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K.B.

  
KENNETH BOMBERG  
PRIMARY EXAMINER